

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

Stephen W. Segrera, Chairman  
Louisiana Wildlife and Fisheries  
Commission

1201#026

#### **Gag Grouper Recreational Season Closure**

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. An interim rule and a final temporary rule were established by NMFS closing the recreational gag grouper season during much of 2011, allowing for a recreational season from September 16, 2011 through November 15, 2011, in order to reduce overfishing on gag grouper. The NMFS temporary rule was effective until November 30, 2011 and has subsequently been extended to June 2, 2012. The NMFS temporary rule is expected to remain in place while a proposed rule, published November 2, 2011, containing a rebuilding plan for gag grouper through Amendment 32 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico is in a public comment period. NMFS and the Gulf Council have requested consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana waters to coincide with the regulation set forth by NMFS, it is necessary that emergency rules be enacted.

The recreational season for the harvest of gag grouper in Louisiana state waters has previously been closed at 11:59 p.m. November 15, 2011 and remains closed until further notice.

In accordance with the emergency provisions of R.S. 49:953 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:6(25)(a) and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

The recreational fishery for the harvest of gag grouper, previously closed at 11:59 p.m. on November 15, 2011, will remain closed in Louisiana waters, and shall remain closed until further notice. Effective with this closure, no person shall recreationally harvest or possess gag grouper whether within or without Louisiana waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to open the recreational season when notified by NOAA Fisheries that the recreational season for the harvest of gag grouper will open in the Federal waters of the Gulf of Mexico, or as needed to effectively implement the provisions herein upon notification to the Chairman of the Wildlife and Fisheries Commission. Such authority shall extend through January 31, 2013.